

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is

immune from such relief. An action is frivolous if “it lacks an arguable basis in either law or in fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989). An action fails to state a claim upon which relief can be granted if does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1974 (2007).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. Haines v. Kerner, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974).

### **The Complaint**

The complaint consists of forty pages of bizarre and incoherent digressions. Plaintiff complains about several things, including the loss of his social security card, the fact that his father tried to “assassinate” him in 1983, his anger with God over the colonization of the Americas, and that he is eligible for deportation. Plaintiff further claims that he was behind the “United States Magistrate[] Bomb T[h]reat.” Several passages in the complaint are in Spanish.

The complaint is legally frivolous because it does not contain any facts, which if proved, would entitle plaintiff to relief. Additionally, it is factually frivolous

because the allegations are clearly delusional. See Denton, 504 U.S. at 32-33. As a result, the Court will dismiss the complaint under 28 U.S.C. § 1915(e).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

**IT IS FURTHER ORDERED** that plaintiff's pro se motion for hearing [#4] is **DENIED** as moot.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 29th day of January, 2009.

  
UNITED STATES DISTRICT JUDGE